



RECEIVED  
CENTRAL FAX CENTER  
JUL 29 2005

## USPTO FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Examiner Jenise Jackson	Brian F. Russell, Reg. No. 40,796
ORGANIZATION:	DATE:
US Patent and Trademark Office	July 29, 2005
ART UNIT:	TOTAL NO. OF PAGES INCLUDING COVER:
2131	2
FAX NUMBER:	APPLICATION SERIAL NO.:
571-273-8300	09/847,085
ENCLOSED:	ATTORNEY DOCKET NO.:
Notice of Appeal	RPS920000109US1

URGENT    FOR REVIEW    PLEASE COMMENT    PLEASE REPLY    PLEASE RECYCLE

NOTES/COMMENTS:

RECEIVED  
OPIE/IAP

AUG 01 2005

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8(A)

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO THE U.S. PATENT AND TRADEMARK OFFICE ON JULY 29, 2005.

SIGNATURE OF MICHELLE SANDERSON

A handwritten signature in black ink, appearing to read "Michelle Sanderson". It is written in a cursive, flowing style.

This fax from the law firm of Dillon & Yudell LLP contains information that is confidential or privileged, or both. This information is intended only for the use of the individual or entity named on this fax cover letter. Any disclosure, copying, distribution or use of this information by any person other than the intended recipient is prohibited. If you have received this fax in error, please notify us by telephone immediately at 512.343.6116 so that we can arrange for the retrieval of the transmitted documents at no cost to you.

8911 N. CAPITAL OF TEXAS HWY., SUITE 2110, AUSTIN, TEXAS 78759  
512.343.6116 (V) • 512.343.6446 (F) • DILLONYUDELL.COM

JUL/29/2005/FRI 02:30 PM DILLON &amp; YUDELL, LLP

FAX No. 5123436446

P. 002

PTO/SB/31 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

RECEIVED  
CENTRAL FAX CENTERNOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)

RPS920000109US1

I hereby certify that this correspondence is being facsimile transmitted to the USPTO at 703-872-9306 or deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450." 07/29/05

Signature Michelle Sanderson  
Typed or printed name Michelle Sanderson

In re Application of	Daryl Carvis Cromer et al.	JUL 29 2005
Application Number	09/847,085	Filed 05/02/2001
For Data Processing System...Protecting a Boot Device		
Art Unit	2131	Examiner Jenise E. Jackson

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 500.00

- Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ \_\_\_\_\_
- A check in the amount of the fee is enclosed.
- Payment by credit card. Form PTO-203B is attached.
- The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-3533. I have enclosed a duplicate copy of this sheet.
- A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-203B.**

I am the

- applicant/inventor.
- assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)
- attorney or agent of record. 40,796  
Registration number \_\_\_\_\_
- attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

Brian F. Russell  
Signature  
Brian F. Russell  
Typed or printed name  
512-343-6116  
Telephone number  
07/29/2005  
Date

**NOTE:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.

- \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

08/01/2005 SFELEKE1 00000012 503533 09847085

01 FC:1401 500.00 DA